IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

O R D E R

Ram Chandra Gurjar and ors.
Versus
Civil Judge (Jr.Division) Kishangarh & ors.

S.B. CIVIL WRIT PETITION NO.3683/2007

Date of Order : 18/5/2007.

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HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ajay Gupta for the petitioners.

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Heard learned counsel for the petitioner.

The petitioner is challenging the order dated 19/3/2007 whereby application of the plaintiff-respondent filed by him under Order 6 Rule 7 CPC seeking amendments in certain paras of the plaint has been allowed.

It is argued that the impugned-order is illegal inasmuch as, the amendments sought to be made could not have been allowed because they were not based on any subsequent development and fact which was reiterated was

already known to the plaintiff from before. It was submitted that the learned trial court failed to consider that if those pleadings were not made by the plaintiff by exercise of due deligence in the suit originally filed, the pleadings cannot be allowed to be added subsequently.

Learned counsel for the petitioner also invited my attention to the another writ petition having been filed by the plaintiff seeking amendments.

On perusal of the impugned order, I find that the trial court considered the fact that desired amendments would not in any manner alter the nature of the suit because all that the plaintiff was seeking to plead was about the dimensions and measurements of the property in dispute. On perusal of the application for amendment also I find that the amendments which were asked for, were to specify the dimensions and measurements of the dipsuted property. The amedments were made when the evidence of the plaintiff was yet to begin. It cannot therefore be said that it was belated. Whether or not what is pleaded is proved will depend upon the evidence led by the parties and therefore at this stage, if the desired amendments are permitted, the

same cannot said to have caused any grave prejudice to the plaintiff.

I do not find any error in the impugned-order. The writ petition is accordingly dismissed in limine.

(MOHAMMAD RAFIQ), J.

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